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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,394	07/30/2001	Gaurav Mittal	NC25896	9973
30973	7590	01/13/2005	EXAMINER	
SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			VUONG, QUOCHIE B	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,394

Applicant(s)

MITTAL, GAURAV

Examiner

Quochien B Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-15, and 17-20 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's response filed on 09/13/2004. Claims 1-4, 6-15, and 17-20 are now pending in the present application. **This action is made final.**

Claim Objections

1. Claims 1-4 and 5-12 are objected to because of the following informalities:

in claim 1, lines 12-13, the phrase "the value *defining* the at least *one* operational parameter" should be -- the value *revising* the at least *the first* operational parameter--;

lines 15-16, the phrase "the value *defining* the at least the first operational parameter" should be -- the value *revising* the at least the first operational parameter--;

line 23, the phrase "said data cell initiator" should be --said data call initiator--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 7, 11, 13-15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Vanttila et al. (US 5,794,142).

Regarding claims 1 and 13, Vanttila (figure 2) discloses an apparatus for a radio communication system having a network part that at least communicates data messages generated at a data message service center (36) to a mobile station (10) operable in the radio communication system, the mobile station being operable pursuant to at least a first operational parameter stored at the mobile station that relates to the operation of the mobile station in the radio communications system but is not the entire software code for operating the mobile station, the first operational parameter during communication operations by the mobile station, said apparatus for facilitating downloading of a value defining the at least the first operational parameter pursuant to which the mobile station is operable, said apparatus comprising: a download-operational-parameter initiation signal generator coupled to receive an indication of a request to download the value defining the at least one operational parameter to the mobile station, said download-operational-parameter initiation signal generator for generating an initiation signal for communication to the data message service center to initiate downloading of the value defining the at least the first operational parameter to the mobile station (see column 3, lines 9-21; column 7, lines 53-57); a download-parameter request signal generator positioned at the data message service center, said download-parameter request signal generator for generating a data-message request for communication to the mobile station, requesting initiation of

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the downloading of the value defining the at least the first operational parameter to the mobile station (see column 3, lines 9-21; column 5, lines 13-24; column 7, lines 53-63; and figure 5); and a data call initiator operable responsive to detection of acceptance by the mobile station of the data-request message, said data call initiator for initiating a data connection with the mobile station to download the value revising the first operational parameter, the value, once download, used pursuant to subsequent communication operations (column 5, lines 13-24; and column 7, lines 53-67).

As to claims 2, 14, Vanttila et al. disclose that the radio communication system provides for SMS (Short Message Service) message communication, wherein the data message service center comprises an SMS service center, and wherein said download-parameter request signal generator is positioned at the SMS service center (see column 3, lines 56-65).

As to claim 3, Vanttila et al. disclose that the data-message request generated by said download-parameter request signal generator comprises an SMS message for communication to the mobile station center (see column 3, lines 52-57; and figure 2).

As to claims 4, 15, Vanttila et al. disclose a data message request detector coupled to receive indications of the data message request generated by said download-parameter request signal generator, said data message request detector for detecting the data message request requesting the initiating of the downloading (see column 3, lines 9-21, 52-57).

As to claims 6, 17, Vanttila et al. discloses that said node-device apparatus comprising: a data call connector operable responsive to initiation by said data call

connection initiator of the data call connection, said data call connector for completing the data call connection between the node-device and the mobile station (see column 7, lines 60-64; also see column 6; lines 33-35).

As to claims 7, 18, Vanttila et al. disclose an operational parameter value provider (figure 2, 36a) coupled to said data call connector, said operational parameter value provider for providing the value of the at least the first operational parameter to the mobile station subsequent to completion of the data call between the node-device and the mobile station (see column 7, lines 60-64; also see column 6; lines 33-35).

As to claim 11, Vanttila et al. disclose authenticating the mobile station prior to completion of the data call between the node-device and the mobile station (see column 6, lines 25-32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-10, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila et al. in view of Hansson (U.S. 6,023,620).

As to claim 8, Vanttila et al. fail to disclose that the data call initiator further comprises a data call status reporter operable at least responsive to successful

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downloading of the value of the at least the first operational parameter provided to the mobile station by said operational parameter value provider to report the successful downloading of the value to the mobile station. However, Hansson discloses a data call status reporter operable at least responsive to successful downloading of the value of the at least the first operational parameter provided to the mobile station by said operational parameter value provider to report the successful downloading of the value to the mobile station (see column 3, lines 5-24; column 4, lines 50-54). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Hansson to the data call initiator of Vanttila et al. for acknowledgment of the successful downloading.

As to claims 9, 19, Hansson discloses that said data call status reporter further determines whether the downloading of the value of the at least the first operational parameter to the mobile station is successful (see column 3, lines 5-24; column 4, lines 50-54).

As to claims 10, 20, Hansson discloses that said data call connector further terminates the data call connection subsequent to the report made by said data call status reporter (see column 4, lines 50-54).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila et al.

As to claim 12, Vanttila et al. fail to disclose a packet data network as claimed. However, the examiner takes Official notice that a packet data network is well known in

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the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above conventional packet data network to Vanttila et al. in order to have a reliable way of transmitting updated parameters to the mobile stations.

Response to Arguments

7. Applicant's arguments filed 09/13/2004 have been fully considered but they are not persuasive.

Regarding claims 1 and 13, Applicant argues that Vanttila et al. fail to "down loading of an operational parameter that revises a parameter stored at the mobile station and that, once downloaded, is used pursuant to subsequent communication operations". However, the examiner does not agree with the Applicant. Vanttila et al. do disclose sending a feature code to the mobile station to activate software resident at the mobile station as admitted by the Applicant on page 8, paragraph 5 of the Applicant's remarks. And that "feature code to the mobile station to activate software resident at the mobile station" is read on the "down loading of an operational parameter that revises a parameter stored at the mobile station" and that, feature code, Call Delivery, Call Transfer, Call waiting, etc. (see Vanttila et al. column 8, lines 1-10), once downloaded is used pursuant to subsequent communication operations.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong

Jan. 06, 2005.